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[EMBARGOED FOR: 16 June 1997]

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EAST TIMOR

Respect for Human Rights - The precondition for a political solution

Statement before the United Nations Special Committee on Decolonization - 16 June 1997

June 1997
AI Index: ASA 21/40/97
Distr: SC/CC/GR

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This report contains the text of an oral statement about human rights in East Timor delivered by Amnesty International on 16 June 1997 before the United Nations (UN) Special Committee on Decolonization which meets annually in New York.

The Decolonization Committee meeting will be held in the same week as the latest round of United Nations (UN) sponsored talks between the Indonesian and Portuguese Foreign Ministers on the question of East Timor which will also take place in New York. Held under the auspices of a new United Nations Secretary-General and his newly appointed Personal Representative on East Timor, Ambassador Marker, this new round of talks brings new opportunities and greater expectations of progress. Amnesty International urges all parties to capitalise on these new opportunities in order to bring about a speedy resolution to the question of East Timor and in doing so we emphasize once again the need for human rights to be a central part of the agenda for these talks.

The UN talks are aimed at seeking a settlement regarding the question of East Timor. In the last five years, human rights has scarcely been raised in the discussions. Amnesty International believes however that delays over the quest for a political solution to East Timor cannot hold up the resolution of the territory's human rights problems. Action must be taken now in advance of a political settlement to end the human rights violations. In turn, an improvement in the human rights situation will smooth the way to achieving an effective and long-lasting solution to the conflict.

This paper outlines some of the practical steps which Amnesty International considers must be taken now to address the human rights situation.

KEYWORDS: EXTRAJUDICIAL EXECUTION1 / TORTURE/ILL-TREATMENT / PRISONERS OF CONSCIENCE / POLITICAL PRISONERS / JUVENILES / DEMONSTRATIONS / ARMED CONFLICT / POLICE / NON-GOVERNMENTAL ENTITIES / NATIONAL HUMAN RIGHTS COMMISSION / UN /

This report summarizes a five-page document (2011 words): *East Timor: Respect for Human Rights - the precondition for a political solution* (AI Index: ASA 21/40/97) issued by Amnesty International in June 1997. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

EAST TIMOR

Respect for Human Rights - The precondition for a political solution

Chair,

This week, the next round of United Nations (UN) sponsored talks between the Indonesian and Portuguese Foreign Ministers on the question of East Timor will take place in New York. Held under the auspices of a new United Nations Secretary-General and his recently appointed Personal Representative on East Timor, Ambassador Marker, this latest round of talks brings new opportunities and greater expectations of progress. Amnesty International urges all parties to capitalise on these new opportunities to bring about a speedy solution to the problem. In doing so we emphasize once again the need for human rights to be a central part of the agenda for these talks.

Already this year, the grave human rights situation in East Timor has been recognised by the international community. In April the UN Commission on Human Rights adopted a resolution on East Timor which expressed concern at continuing reports of violations and urged the Indonesian Government to release political prisoners and to provide access for UN experts and non-governmental human rights organizations. The award of the Nobel Peace Prize in 1996 to two prominent East Timorese has demonstrated the level of international awareness of the need to address East Timor's future. This renewed emphasis should also be reflected in the UN talks concerning East Timor.

The UN talks, now in their fifth year, are aimed at seeking a settlement regarding the question of East Timor. In the last five years, human rights has scarcely been raised in the discussions. Delays over the quest for a political solution to East Timor cannot hold up the resolution of the territory's human rights problems. Action must be taken now in advance of a political settlement to end the human rights violations. In turn, an improvement in the human rights situation will smooth the way to achieving an effective and long-lasting solution to the conflict.

The lack of attention paid by the United Nations talks to the human rights situation in previous years has done nothing to ease the crisis in East Timor. In recent weeks we have seen an increase in tension there. Armed opposition attacks on Indonesian military and civilian targets have heightened tension and serve as a reminder that the resistance in East Timor shows no signs of abating. Amnesty International condemns the unlawful killing of civilians by armed opposition groups. But the organization is concerned that the recent increase in attacks by the armed opposition will lead to reprisals by the Indonesian military authorities against those believed responsible. It is also likely that there will continue to be strict controls on access to the territory for human rights monitors.

This paper will outline some of the practical steps which Amnesty International considers must be taken now to address the human rights situation.

The current human rights environment in East Timor

The human rights situation in East Timor shows no sign of improvement. There remain at least 100 East Timorese political prisoners and prisoners of conscience in jails in Indonesia and East Timor. East Timorese continue to be tried and imprisoned for their non-violent opposition to Indonesian rule. João do Rosario Pires was sentenced to one year's imprisonment in April this year for displaying a picture of President Suharto with human bones in his mouth at a demonstration in November 1996. Seventeen youths are now on trial in Dili for the *"public expression of feelings of hostility, hatred or contempt toward the government"*, at a peaceful demonstration during Ambassador Marker's visit to East Timor in March 1997. They face terms of imprisonment of up to seven years. In addition to those who have faced trial and imprisonment, hundreds of people are subjected to short-term, arbitrary and often unacknowledged detention every year.

Torture and ill-treatment of detainees continues unchecked. Following a demonstration in March 1997, a member of Indonesia's National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia,* Komnas HAM) accused the police of beating, punching and kicking 37 demonstrators. According to the Commission the demonstrators had *"swollen eyes, mouths, backs and chests. Some haven't eaten for four days because they can't do it as the result of the beating"*.[1] Reports of detainees being subjected to other forms of torture including electric shocks and burning with cigarettes continue to be received.

Extrajudicial executions also continue to be reported. In September 1996, two men, Jacinto de Jesus Sousa and Luis Ximenes, were believed to have been shot dead by the military as they were stopped at a military check-point between Baucau and Viqueque. The two are thought to have been civilians. Their deaths were to be investigated by Indonesia's Human Rights Commission, but the results of the investigation are not known.

Human rights abuses have also been committed by the armed opposition group, the East Timorese National Liberation Army, Falintil. In recent weeks attacks on military and civilian targets have taken place resulting in the deaths of at least 42 people, including members of Falintil[2]. Amnesty International condemns the unlawful killing of civilians by

[1] Reuters, 29 March 1997.

[2] Resistance sources have admitted to the killing of two civilians - Miguel Baptismo da Silva and his wife [no name] in Baucau on 28 May 1997. The Indonesian Government claims that seven people killed in Los Palos also on 28 May were also killed by Falintil. At the time of writing this claim had not been independently verified.

Falintil and calls on the armed resistance to abide by international humanitarian standards and to take measures to ensure that its combatants do not commit unlawful killings.

A significant factor contributing to the ongoing cycle of human rights violations in East Timor remains the lack of investigation into the abuses. It remains the exception rather than the rule for inquiries to be held into killings and "disappearances".[3] Where investigations have been conducted and members of the Armed Forces convicted, Amnesty International is concerned that the punishment handed down to those found responsible does not adequately reflect the seriousness of the violation. In 1996, the death of Paulo dos Reis, who was shot after he verbally abused and allegedly threw a rock at a soldier, was investigated. A soldier was convicted of this killing and sentenced to eight months' imprisonment. No case of torture or ill-treatment is known to have ever been investigated.

An initiative was taken to remedy this situation with the establishment of an office in East Timor of the Indonesian National Commission on Human Rights. While Amnesty International acknowledges and respects the work of the National Commission in Indonesia itself, the particular circumstances in East Timor mean that this new office is unable to effectively and independently monitor and investigate human rights violations in East Timor. Komnas HAM in Dili has not gained the trust of the East Timorese people. This is compounded by its location, situated as it is directly opposite the District Military Headquarters (KODIM). The Dili office of Komnas HAM is not known to have intervened in any incidents of arbitrary arrest, unacknowledged detention, or to have received any complaints or initiated its own investigations into the many allegations of torture and unlawful killings.[4]

The UN talks and Human Rights

Amnesty International believes that the quest for a solution to the East Timorese conflict cannot be successful while human rights violations continue to be committed. A meaningful and long-lasting agreement concerning the future of East Timor must have as its basis respect for human rights. While the East Timorese people remain fearful of arbitrary arrest, torture, ill-treatment, unlawful killings and "disappearances", efforts to end the conflict will be fruitless. The easing of political restrictions, the release of prisoners of conscience and

[3]In some cases inquiries are announced but the results are not known. For example, in February 1995, East Timor Police Chief Andreas Sugianto announced an inquiry into the "disappearance" of five men in Dili on 9 January 1995. The inquiry is not known to have been completed and the fate of the men remains unclear.

[4]The only complaints which are known to have been registered with Komnas HAM in Dili are 100 cases lodged on the first day of the office's opening, most of which were believed to be from former Portuguese soldiers complaining about the fact that they had not been recognised as civil servants by Indonesia.

an end to other human rights violations will contribute to the building of the confidence and trust of East Timorese, which is after all, an essential precondition to political settlement.

In addition to ending the cycle of violations, initiatives are required to allow for monitoring of human rights and the provision of redress for victims. Clarification about past human rights abuses are essential components of any political settlement. In particular, Amnesty International believes that the Indonesian Government should be encouraged to take the following practical steps:

- establish an indigenous East Timorese independent human rights commission.[5] It should include human rights observers with the expertise and credibility necessary to effectively monitor and verify human rights violations. It should also include individual representatives of East Timorese civil society with demonstrated impartiality. At a minimum the commission should be able to receive complaints from any person or group, interview people in private (including detainees), travel freely and have unrestricted access to all places, including places of detention; protection should be provided to witnesses.[6]

- pending the establishment of such a commission, ensure that national human rights groups are able to carry out their work without fear of harassment or intimidation of themselves or victims;

- provide access for international human rights monitors;[7]

- establish a civilian police force;[8]

- review the operations of the judiciary in East Timor with a view to ensuring that the judiciary is independent, fair and open. There should be greater integration into the judiciary of individual East Timorese with recognised impartiality and appropriate experience and qualifications;

[5]The Commission must at a minimum be consistent with the standards on national institutions outlined in the United Nations *Principles relating to the status of national institutions*, Annex to Resolution 1992/54 on National institutions for the promotion and protection of human rights.

[6]The creation of a "*commission of human rights in East Timor*", comprised of representatives of East Timorese civil society, including members of non-governmental organizations, was one of the recommendations of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, in his report of his mission to Indonesia in July 1994. E/CN.4/1995/61/Add.1, 1 November 1994, paragraph 85.

[7]Independent international human rights monitoring is accepted in many countries. In the last two years, Amnesty International has visited Bougainville in Papua New Guinea, North Korea and Vietnam, but the organization continues to be denied access to East Timor.

[8] This was another recommendation of the UN Special Rapporteur in his November 1994 report, paragraph 78.

- ensure that East Timorese can peacefully demonstrate without fear of arrest or ill-treatment. Policing by the security forces must be in strict conformity with international standards;

- suspend from active duty those members of the armed forces, including the police, implicated in human rights violations, including torture and ill-treatment pending inquiries into their actions. Those responsible for human rights violations should be prosecuted in trials which meet international standards of fairness;

- thoroughly and impartially review the convictions of all East Timorese political prisoners and release all prisoners of conscience.

Chair, year after year Amnesty International has appeared before this Committee to report on the grave human rights situation in East Timor and the lack of serious concern with which this is treated by the Indonesian authorities. The upcoming talks present a special opportunity to agree concrete steps for better human rights protection in East Timor. Amnesty International urges all relevant parties to seize this opportunity and to begin to build confidence through meaningful human rights initiatives and in doing so put down the foundations for a lasting solution.